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REMARKS /ARGUMENTS

Claims 1, 4-8, 11-23 and 26-35 remain in the Application. Claims 2, 10 and 25 have been cancelled. Claims 3, 9, and 24 were previously cancelled.

The Applicant has amended Claims 1, 4 and 20 to specify the definition of R¹ in other parts of these claims. The definition in the amended portions for R¹ is the same as that already defined elsewhere in the claims and is made for the purpose of ensuring clarity. It does not constitute new subject matter. In addition, the Applicant has noted that there was an extra period in Claim 4 after the second instance of "Cl, Br or I". This typographically error has been corrected.

The Examiner has rejected claims 2, 4, 20, 27 and their corresponding dependent claims under 35 U.S.C. 112, second paragraph, as being indefinite. The Applicant has generally replaced the reference in Claims 4, 20 and 27 to the term "derivatives" with the term "compounds". The Applicant has cancelled Claim 2; however, this should not be construed as a concession by the Applicant as to the Examiner's position but rather is for the purpose of advancing the prosecution of this application. The Applicant reserves the right to file a related application containing the subject matter of cancelled Claim 2.

The Examiner has rejected claims 4-8, 11-23, and 26 under 35 U.S.C. 112, first paragraph, because it is the Examiner's opinion that the specification does not comply with the written description requirement. The Applicant has amended these claims by incorporating the subject matter of dependent claims 10 and 25 (now cancelled) into parent claims 4 and 20. It is noted that neither claims 10 nor 25 were rejected under 35 U.S.C. 112, first paragraph and therefore amended Claims 4 and 20 and their dependent claims should now be allowable. The Examiner has identified that the Applicant's specification provides only one particular exemplified catalyst being cupric

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being cupric bromide. Though it is not believed that the Examiner has taken the position that the subject matter of now cancelled claims 10 and 25, and the now amended claims is not enabled, nonetheless the Applicant reminds the Examiner that the enablement requirement, does not require that the Applicant disclose the invention in a manner that can be understood by everyone. If such were the case patent applications would be long, unfocussed documents. The CCPA has also stated that

"not every last detail is to be described, else patent specifications would turn into production specifications which they were never intended to be" (see *In re Gay*, 309 F.2d 769, 135 USPQ 311, 316 (C.C.P.A. 1962).

Furthermore, the public would also likely have difficulty in determining the new or important aspects of the invention since the issued patent would contain much extraneous information. Rather, for an application to be enabling it must explain how to make and use an invention to one of ordinary skill in the art. Again, the person of ordinary skill is fictitious. The Federal Circuit has also commented:

The person of ordinary skill is a hypothetical person who is presumed to be aware of all the pertinent prior art. The actual inventor's skill is not determinative. The factors that may be considered in determining level of skill include type of problems encountered in art; prior art solutions to those problems; rapidity with which innovations are made; sophistication of the technology and educational level of active workers in the field. Not all such factors may be present in every case and one or more of them may predominate. (See *Custom Accessories Inc. v. Jeffrey-Allan Indus.*, 807 F.2d 955, 1 USPQ2d 1196, 1201 (Fed. Cir. 1986))

Thus, "it is irrelevant whether the specification explains how to make and use the invention using broad terminology or illustrative examples." (See *In re Wright*, 999 F.2d 1557, 27 USPQ2d 1510, 1513 (Fed. Cir. 1993)). It is submitted that there is more than sufficient information presented in the specification to allow a person of ordinary skill to the put the invention as described in Applicant's present claims into practice.

In view of the above submissions, Applicants respectfully submit that their application

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application is in condition for allowance and the same is solicited at the earliest convenience. If the Examiner, in the interim, has any questions, he is respectfully requested to contact Applicants' Agent, Francis Ng-Cheng-Hin at (905) 771-6414 collect at his convenience.

Respectfully submitted,

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FN/mr